

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In response to the Court's prior Order, the parties agreed to participate in a Settlement Conference with Magistrate Judge Spero. Plaintiff represented to opposing counsel and to the Court that he agreed to participate in a Settlement Conference so long as it took place on or after September 19, 2011. *See* ECF No. 69. After Defendants scheduled a Settlement Conference with Magistrate Judge Spero for October 3, 2011, Plaintiff represented he would no longer be available in person because the Settlement Conference will take place in San Francisco instead of San Jose. *See id.*

Plaintiff has failed to justify his unreasonable position. The Court takes judicial notice that the U.S. District Courthouse in San Francisco is 37.5 miles from the Ames Research Center, where Plaintiff works. The U.S. District Courthouse in San Jose is 11.1 miles away. The added distance is insufficient to justify failing to appear in person.

Plaintiff is hereby ORDERED to attend the October 3, 2011 Settlement Conference in person or show cause why he should not be found in contempt of Court.

Case No.: 10-CV-05110-LHK
**ORDER COMPELLING IN-PERSON ATTENDANCE AT SETTLEMENT CONFERENCE
AND VACATING CASE MANAGEMENT CONFERENCE**

1 The Case Management Conference set for August 31, 2011, is hereby VACATED. The
2 case schedule otherwise remains as set.

3
4 **IT IS SO ORDERED.**

5 Dated: August 30, 2011

6 _____
7 LUCY H. KOH
8 United States District Judge